



Report on Ontario's Declared Provincial Emergency from February 11, 2022 to February 23, 2022

Learn about the order the government issued and amended to protect the health and safety of Ontarians during the declared provincial emergency.

Introduction

On February 11, 2022, the Premier declared a provincewide emergency pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (EMCPA). The emergency was declared as a result of interference with transportation routes and critical infrastructure in locations across the province. Such interference prevented the movement of people and delivery of essential goods and services. The Premier's declaration was confirmed by Cabinet on February 12, 2022, through an Order in Council.

The declared provincial emergency enabled the Lieutenant Governor in Council to make the emergency order O. Reg. 71/22 (Critical Infrastructure and Highways) on February 12, 2022. The order was necessary to address disruptions caused by the illegal occupation in Ottawa and the blockade along the Ambassador Bridge in Windsor which blocked critical trade and supply chains as well as interfered with the safety, health and well-being of members of the public. There were legitimate concerns that the blockades might also extend to the Blue Water Bridge in Sarnia and the Peace Bridge in Fort Erie.

This report focuses on the 12 days the declared provincial emergency was in effect and outlines the emergency order issued, extended and amended as needed to address the emergency.

Context

Once the provincial emergency was confirmed by the Lieutenant Governor in Council, the Ontario government made the emergency order O. Reg. 71/22 (Critical Infrastructure and Highways) under section 7.0.2 of the EMCPA.

Based on progress made to peacefully end the interference with infrastructure protected by O. Reg. 71/22, the provincial emergency was terminated on February 23, 2022. O. Reg. 71/22, made in connection with the provincial emergency, remains in place to address the effects of the emergency.

O. Reg. 71/22 (Critical Infrastructure and Highways)

Description:

Emergency order O. Reg. 71/22 (Critical Infrastructure and Highways) was made on February 12, 2022, and came into effect immediately. The emergency order:

- Prohibits persons from blocking critical infrastructure, defined as:
 - 400-series highways
 - Airports
 - Canals
 - Hospitals
 - Infrastructure for the supply of utilities such as water, gas, sanitation, and telecommunications
 - International and interprovincial bridges and crossings
 - Locations where COVID-19 vaccines are administered
 - Ports
 - Power generation and transmission facilities
 - Railways

- Prohibits persons from preventing the ordinary use of, and preventing travel to or from, highways, walkways and bridges where this would prevent the delivery of goods and services, severely disrupt economic activities or seriously interfere with the health, safety and well-being of the public.
- Gives provincial offences officers, including police officers, the power to take enforcement actions when they have reasonable grounds to believe an individual is not complying with the requirements in the order. This includes provincial offences officers removing an object (e.g., a vehicle) where an individual, who is required to do so, refuses to do so.
- Requires individuals to comply with the orders of provincial offences officers regarding ceasing a breach of the order, dispersing or removing an object that is used in contravention of an order.
- Gives both the Registrar of Motor Vehicles and provincial offences officers the power to order owners or operators of vehicles that are contravening the order, to remove their vehicles, requires owners to comply and permits the removal of the vehicles if they refuse to comply.
- Sets out powers relating to the suspension and cancellation of driver's licences, licence plate permits and commercial vehicle operator's registration certificates.

Amendments to O. Reg. 71/22 were made and came into effect upon being made on February 14, 2022, to:

- Confirm that provincial offences officers can remove objects (including vehicles) themselves, as well as cause someone else to remove them, when the object is not removed in accordance with the officers' orders.
- Expressly give provincial offences officers who remove objects, or cause them to be removed, the power to detain and store those objects or have someone else detain and store them, for as long as the emergency order is in effect.
- Require provincial offences officers to make reasonable efforts to notify the object's owner of where it is being detained and stored.
- Make the owners, operators and most recent drivers of vehicles responsible for the costs and charges for removal, detention and storage, as well as make the owners of other objects [or person who used the object in a contravention] responsible for such costs and charges.

- Allow any person (can be an individual or a corporation) who is reasonably qualified to assist with removal, detention or storage of objects to perform these activities at the request of a provincial offences officer.

The emergency order continues to be in force until at least April 9, 2022, to address the effects of the emergency, and in particular, the ongoing risk that some individuals may attempt to resume disruptions.

Why the emergency order was necessary and essential:

Blockades over days and weeks in Ottawa and along the Ambassador Bridge were impacting people's livelihoods and the provincial supply chains by impeding the movement of goods, people and services. Ontario had previously worked to manage the impacts of the protests by using other measures such as a court order to freeze the distribution of donations raised for the "Freedom Convoy." Despite actions taken, many individuals continued to impede access to or egress from the use of critical transportation infrastructure, including essential trade corridors and other infrastructure. These prolonged blockades had an adverse impact on access to goods and services as well as employment, resulting in manufacturers cancelling shifts and businesses closing, as well as being detrimental to the quality of life and ease of movement, particularly in Ottawa and Windsor.

It was reasonable to believe the harm or damage caused by the emergency would be alleviated by the order as it provided additional tools for law enforcement to address obstructions, such as the ability to order participants contravening the order to leave, disperse or remove objects being used for obstruction, and made it an offence to commit various activities that would contribute to obstruction. The order also incentivized compliance by providing additional powers to the Registrar to impose consequences for contravening the order.

The order was a reasonable alternative to other measures. Existing regulation-making powers such as those under the *Highway Traffic Act*, had not been sufficient to achieve the order's objectives, and statutory amendments would not have been swift enough to result in immediate change.

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